

MANSHEL LAW, LLC
 25B Hanover Rd., Suite 130
 Florham Park, NJ 07932
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 Fax (973) 236-0701
 Lisa Manshel, Esq.
Attorney for Plaintiff Valerie Montone

**UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW JERSEY**

<p>VALERIE MONTONE,</p> <p style="text-align: center;">Plaintiff,</p> <p>-vs-</p> <p>CITY OF JERSEY CITY, JERSEY CITY POLICE DEPARTMENT, MAYOR JERRAMIAH HEALY in his individual and official capacities, and POLICE CHIEF ROBERT TROY in his individual and official capacities,</p> <p style="text-align: center;">Defendants,</p>	<p>Hon. Stanley R. Chesler Civil Action No.: 2:06-cv-280 (SRC/CLW)</p> <p>AMENDED JUDGMENT, RULE 54(B) CERTIFICATION, AND STAY</p>
<p>JOHN ASTRIAB, CLYDE BANKS, JAMES BUCKLEY, WILLIAM CULLINANE, RICHARD DESTEFANO, DAVID LABRUNO, EZIO SCERBO, JOHN WHALEN,</p> <p style="text-align: center;">Plaintiffs,</p> <p>vs.</p> <p>CITY OF JERSEY CITY, JERSEY CITY POLICE DEPARTMENT, MAYOR JERRAMIAH HEALY in his individual capacity and official capacities, POLICE CHIEF ROBERT TROY in his individual and official capacities, and BUSINESS ADMINISTRATOR BRIAN O'REILLY in his individual and official capacities,</p> <p style="text-align: center;">Defendants.</p>	<p>Hon. Stanley R. Chesler Civil Action No.: 2:06-cv-3790 (SRC)</p> <p>AMENDED JUDGMENT, RULE 54(B) CERTIFICATION, AND STAY</p>

THE COURT having denied the post-trial motions of individual defendants Robert Troy and Jerramiah Healy for judgment notwithstanding the verdict but having granted the individual defendants' motions for a new trial, and the issues to be decided by review of the verdict against defendant City of Jersey City being ripe for appeal and separable from the issues on the claims against the individuals, the parties agreeing that the individuals would be indemnified by defendant City of Jersey City in the event of a retrial and verdict in plaintiffs' favor, denial of an immediate appeal by defendant City of Jersey City giving rise to the substantial risk of unnecessarily trying claims against the indemnified individuals that may become moot, and the Court having weighed the judicial administrative interest and the equities involved,

IT IS on this 13 day of February, 2020;

ORDERED that the Order of Judgment entered on August 21, 2019 (a copy of which is attached hereto as Exhibit A) is hereby modified to vacate the judgment entered "in favor of all plaintiffs and against defendant Robert Troy or Jerramiah Healy"; and it is further

ORDERED that in all other respects the Order of Judgment entered on August 21, 2019 remains in full force and effect; and it is further

ORDERED that, because for the foregoing reasons the Court has determined that there is no just reason for delay, the August 21, 2019 Order of Judgment as modified herein is and shall be treated as a final judgment pursuant to Fed.R.Civ.P. 54(b); and it is further

ORDERED that all claims against defendant Robert Troy and defendant Jerramiah Healy are hereby stayed pending exhaustion of all appeals by defendant City of Jersey City and any cross-appeals; and it is further

ORDERED that a copy of the within Order of Judgment shall be served upon all parties within 5 days of this Order of Judgment.


HONORABLE STANLEY R. CHESLER, U.S.D.J.

The undersigned hereby consent to the form and entry of this Amended Judgment, Rule 54(b) Certification, and Stay:

MANSHEL LAW, LLC
Attorney for Plaintiff Valerie Montone

BY: 

LISA MANSHEL, ESQ.

DATED: 2/10/20

BREUNINGER & FELLMAN
Attorneys for Plaintiffs John Astriah, et al.

BY: 

SUSAN FELLMAN, ESQ.

DATED: 2/10/2020

CLEARY GACOBBE, ALFIERI, JACOBS, LLC
Attorneys for Defendants City of Jersey City
and Jerramiah Healy

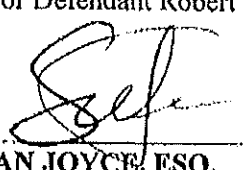
BY: 

RICHARD GANTNER, ESQ.

DATED: 2/7/2020

CARMAGNOLA & RITARDI, LLC
Attorneys for Defendant Robert Troy

BY: _____


SEAN JOYCE, ESQ.

DATED: _____

Feb. 7, 2020

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A

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 Co-Counsel for Plaintiff Valerie Montone

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW JERSEY

<p>VALERIE MONTONE,</p> <p>Plaintiff,</p> <p>-vs-</p> <p>CITY OF JERSEY CITY, JERSEY CITY POLICE DEPARTMENT, MAYOR JERRAMIAH HEALY in his individual and official capacities, and POLICE CHIEF ROBERT TROY in his individual and official capacities,</p> <p>Defendants,</p>	<p>Hon. Stanley R. Chesler Civil Action No.: 2:06-cv-280 (SRC/CLW)</p> <p>ORDER OF JUDGMENT</p>
<p>JOHN ASTRIAB, CLYDE BANKS, JAMES BUCKLEY, WILLIAM CULLINANE, RICHARD DESTEFANO, DAVID LABRUNO, EZIO SCERBO, JOHN WHALEN,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>CITY OF JERSEY CITY, JERSEY CITY POLICE DEPARTMENT, MAYOR JERRAMIAH HEALY in his individual capacity and official capacities, POLICE CHIEF ROBERT TROY in his individual and official capacities, and BUSINESS ADMINISTRATOR BRIAN O'REILLY in his individual and official capacities,</p> <p>Defendants.</p>	<p>Hon. Stanley R. Chesler Civil Action No.: 2:06-cv-3790 (SRC)</p> <p>ORDER OF JUDGMENT</p>

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UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW JERSEY

<p>VALERIE MONTONE,</p> <p>Plaintiff,</p> <p>-vs-</p> <p>CITY OF JERSEY CITY, JERSEY CITY POLICE DEPARTMENT, MAYOR JERRAMIAH HEALY in his individual and official capacities, and POLICE CHIEF ROBERT TROY in his individual and official capacities,</p> <p>Defendants,</p>	<p>Hon. Stanley R. Chesler Civil Action No.: 2:06-cv-280 (SRC/CLW)</p> <p>ORDER OF JUDGMENT</p>
<p>JOHN ASTRIAB, CLYDE BANKS, JAMES BUCKLEY, WILLIAM CULLINANE, RICHARD DESTEFANO, DAVID LABRUNO, EZIO SCERBO, JOHN WHALEN,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>CITY OF JERSEY CITY, JERSEY CITY POLICE DEPARTMENT, MAYOR JERRAMIAH HEALY in his individual capacity and official capacities, POLICE CHIEF ROBERT TROY in his individual and official capacities, and BUSINESS ADMINISTRATOR BRIAN O'REILLY in his individual and official capacities,</p> <p>Defendants.</p>	<p>Hon. Stanley R. Chesler Civil Action No.: 2:06-cv-3790 (SRC)</p> <p>ORDER OF JUDGMENT</p>

THIS MATTER HAVING BEEN TRIED TO A JURY before the Honorable Stanley R. Chesler, U.S.D.J. on dates between April 12, 2018 and May 2, 2018, the evidence having been presented to the jury at trial, and the jury having returned a verdict on plaintiffs' constitutional and statutory claims on May 2, 2018, the jury having returned a verdict on plaintiffs' punitive damages claims on May 2, 2018, and consistent with the jury's verdicts at trial of this matter, and further

THE COURT having granted plaintiffs' post-trial motions for prejudgment interest; and further

THE COURT having granted in part and denied in part plaintiffs' motions to mold the verdict to offset the negative tax consequences of receiving lump-sum awards;

IT IS on this *21st* day of *August*, 2019;

ORDERED that judgment is hereby entered in favor of all plaintiffs and against defendant Jersey City on liability under Section 1983 of the Civil Rights Act of 1871 for political retaliation by failure to promote in violation of the First Amendment of the United States Constitution; and it is further

ORDERED that judgment is hereby entered in favor of all plaintiffs and against defendant Jersey City on liability under the New Jersey Civil Rights Act and the New Jersey Constitution for political retaliation by failure to promote; and it is further

ORDERED that judgment is hereby entered in favor of all plaintiffs and against defendant Jersey City on liability under Section 1983 of the Civil Rights Act of 1871 for free speech retaliation by failure to promote in violation of the First Amendment of the United States Constitution; and it is further

ORDERED that judgment is hereby entered in favor of all plaintiffs and against defendant Jersey City on liability under the New Jersey Civil Rights Act and New Jersey Constitution for free speech retaliation by failure to promote; and it is further

ORDERED that judgment is hereby entered in favor of all plaintiffs and against defendant Jersey City on liability for unlawful retaliation by failure to promote in violation of the New Jersey Law Against Discrimination; and it is further

ORDERED that judgment is hereby entered against plaintiff Valerie Montone and in favor of all defendants on liability for a hostile work environment; and it is further

ORDERED that judgment is hereby entered against all plaintiffs and in favor of all defendants on liability for emotional distress damages; and it is further

ORDERED that judgment is hereby entered against all plaintiffs and in favor of all defendants on liability for punitive damages; and it is further

ORDERED that judgment is hereby entered in favor of all plaintiffs and against defendant Robert Troy or Jerramiah Healy for knowingly and substantially assisting Jersey City in discrimination or retaliation against Valerie Montone; and it is further

ORDERED that judgment is hereby entered in favor of all plaintiffs on liability for economic damages in the following amounts:

Plaintiff Valerie Montone:	\$276,834.00;
Plaintiff John Astriab:	\$259,338.00;
Plaintiff Clyde Banks:	\$299,370.00;
Plaintiff James Buckley:	\$209,087.00;
Plaintiff William Cullinane:	\$250,615.00;

Plaintiff Richard DeStefano: \$294,805.00;

Plaintiff David LaBruno: \$279,765.00;

Plaintiff Ezio Scerbo: \$19,390.00;

Plaintiff John Whalen: \$279,238.00; and it is further

ORDERED that judgment is hereby entered in favor of plaintiffs on liability for awards to offset the negative tax consequences of receiving lump-sum jury awards in the following amounts:

Plaintiff Valerie Montone: \$23,665.00;

Plaintiff John Astrlab: \$5,625.00;

Plaintiff Clyde Banks: \$9,379.00;

Plaintiff James Buckley: \$ 7,204.00;

Plaintiff William Cullinane: \$19,548.00;

Plaintiff Richard DeStefano: \$26,060.00;

Plaintiff David LaBruno: \$19,096.00;

Plaintiff John Whalen: \$36,305.00; and it is further

ORDERED that judgment is hereby entered in favor of all plaintiffs on liability for prejudgment interest through May 24, 2019 in the following amounts:

Plaintiff Valerie Montone: \$34,061.05;

Plaintiff John Astrlab: \$29,012.01;

Plaintiff Clyde Banks: \$31,312.51;

Plaintiff James Buckley: \$30,915.24;

Plaintiff William Cullinane: \$32,725.59;

Plaintiff Richard DeStefano: \$31,500.87;

Plaintiff David LaBruno: \$30,191.43;

Plaintiff Ezio Scerbo: \$8,562.64;

Plaintiff John Whalen: \$45,150.35; and it is further

ORDERED that judgment is hereby entered in favor of all plaintiffs for
prejudgment interest from May 25, 2019 through and including the date of entry of this
Order of Judgment in the following amounts:

Plaintiff Valerie Montone: \$14.17 per day;

Plaintiff John Astriab: \$13.02 per day;

Plaintiff Clyde Banks: \$15.27 per day;

Plaintiff James Buckley: \$13.30 per day;

Plaintiff William Cullinane: \$14.04 per day;

Plaintiff Richard DeStefano: \$15.53 per day;

Plaintiff David LaBruno: \$14.05 per day;


Plaintiff Ezio Scerbo: \$1.86 per day;

Plaintiff John Whalen: \$15.99 per day; and it is further

ORDERED that the plaintiffs' applications for attorney's fees, costs and
expenses, and/or taxed costs shall be determined by further motion to the Court; and it is
further

ORDERED that post-judgment interest shall accrue starting on the date following
the date of entry of this Order of Judgment; and it is further

ORDERED that a copy of the within Order of Judgment shall be served upon all parties within 7 days of this Order of Judgment.


HONORABLE STANLEY R. CHESLER, U.S.D.J.

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25B HANOVER RD.
SUITE 130
FLORHAM PARK, NJ 07932

LISA MANSHEL*

*ALSO ADMITTED IN NY

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Fax: (973) 236-0701

lmanshel@manshellaw.com

February 12, 2020

Via Electronic Filing & Regular Mail

The Honorable Stanley R. Chesler
United States District Court
Frank R. Lautenberg U.S. Post Office & Courthouse
50 Walnut Street
Room 417, P.O. Box 999
Newark, NJ 07102-0999

Re: Montone v. City of Jersey City, 2:06-cv-280 (SRC/CLW)
Astriab v. City of Jersey City, 2:06-cv-3790 (SRC/CLW)

Dear Judge Chesler:

I represent plaintiff Valerie Montone in the above matter. On behalf of all parties and submitted jointly, please accept the attached proposed Amended Judgment, Rule 54(b) Certification, and Stay.

Respectfully submitted,

MANSHEL LAW, LLC

By: 
LISA MANSHEL, ESQ.

cc: Richard Gantner, Esq. (via electronic filing & electronic mail w/ encl)
Sean Joyce, Esq. (via electronic filing & electronic mail w/encl)
Susan Fellman, Esq. (via electronic filing & electronic mail w/ encl)
Jon Green, Esq. (via electronic filing & electronic mail w/ encl)
Ms. Valerie Montone (via electronic mail w/encl)

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